

**REMARKS**

The claims have been amended to limit the pigment contained in the heat-sensitive recording layer of the heat-sensitive recording material of the present invention to aluminum hydroxide. Specifically, claim 1 has been amended to limit the pigment in the heat-sensitive recording layer to aluminum hydroxide and claim 2, which previously limited the pigment in the heat-sensitive recording layer to aluminum hydroxide, has been cancelled.

The claims are now believed to be in condition for allowance. In the Advisory Action dated March 2, 2004, the Examiner, Mr. Hess, noted that the declaration of Nobuyuki Iwasaki submitted with the response to the Final Action showed unexpected results "when Al(OH) [sic] is employed in an amount of 5.2 to 44.2 wt.%. No claims are commensurate with this showing."

It is noted that the claims as amended recite an amount of aluminum hydroxide of 3 to 50 wt%. The showing of unexpected results in the declaration is commensurate in scope with this range. Although data at the exact endpoints of the claimed range are not included in the declaration, the amounts of pigment of 5.2 and 44.2 wt.% are sufficiently close to the endpoints and the difference in results for the amounts of pigment of 5.2 to 44.2

wt.% as compared with the results for amounts of pigment of 1.8 wt% and 56.2 wt% outside the claimed range are sufficiently significant that the art-skilled person would reasonably expect the unexpected results to be exhibited at the ends of the claimed range.

The above amendments to the claims and the relevance of the showing of the declaration of Nobuyuki Iwasaki were discussed with the Examiner, Mr. Hess, on March 18, 2004. Mr. Hess indicated that the data of the declaration rebutted the USPTO's case of prima facie obviousness of the claims as amended and that the claims as amended would be allowed.

The application is believed to be in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

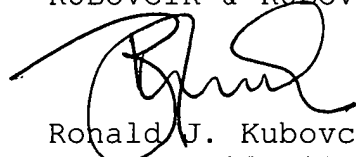
In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

PATENT APPLN. NO. 09/988,466  
SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. § 1.116

**PATENT**  
**FINAL**

In the event any additional fees are required, please also  
charge our Deposit Account No. 111833.

Respectfully submitted,  
KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik  
Reg. No. 25,401

The Farragut Building  
Suite 710  
900 17th Street, N.W.  
Washington, D.C. 20006  
Tel: (202) 887-9023  
Fax: (202) 887-9093  
RJK/cfm